

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 01-2280

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United States of America,

Appellee,

v.

Luis Arturo Nunez-Loya,

Appellant.

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Appeal from the United States  
District Court for the Western  
District of Missouri.

[UNPUBLISHED]

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Submitted: November 13, 2001

Filed: November 23, 2001

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Before McMILLIAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Luis Arturo Nunez-Loya was arrested after DEA agents found cocaine during a consent search of his home. Because Nunez-Loya speaks Spanish but not English, a bilingual DEA agent spoke with him in Spanish, translated the consent-to-search form before Nunez-Loya signed it, and read the Miranda warning in Spanish. Nunez-Loya filed a motion to suppress the drug-related evidence and his incriminating statements. The district court<sup>\*</sup> denied the motion. Afterwards, Nunez-Loya pleaded

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<sup>\*</sup>The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri, adopting the report and recommendation of the Honorable John

guilty to the cocaine charge preserving for appeal his right to challenge the adverse ruling on the suppression issue. Discussion of Nunez-Loya's fact-specific arguments would serve no useful purpose because the district court resolved the credibility questions based on conflicting testimony in the government's favor, the district court's findings of fact are not clearly erroneous, and the controlling law is clear. After a careful review of the record, we conclude the district court's decision is clearly correct. We thus affirm without an extended opinion for the reasons stated in the magistrate judge's report adopted by the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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T. Maughmer, Chief United States Magistrate Judge for the Western District of Missouri.